

**REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-29 are now present in the application. Claims 1, 6, 10, 15 and 18-20 are independent. Claims 23-29 have been added. Reconsideration of this application is respectfully requested.

**Claim Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1-10, 14-17, 19, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saeki et al., U.S. Patent No. 6,078,727 (hereinafter "Saeki"). Claims 11-13, 18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saeki in view of Moriyama et al., U.S. Patent No. 6,006,004 (hereinafter "Moriyama"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

**Failure to treat claims 21 and 22 on the merits**

Although the Examiner alleged that claims 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saeki for the same grounds as set forth in the Office Action mailed October 13, 2005, Applicants respectfully disagree. In particular, claims 21 and 22 were added in the last Amendment dated June 7, 2006. The subject matter of claims 21 and 22 was not presented prior to June 7, 2006. Therefore, it is not possible that claims 21 and 22 were treated on the merits in the Office Action mailed October 13, 2005 as the Examiner alleged.

Since the Examiner never treated previously added claims 21 and 22 on the merits, it is believed that claims 21 and 22 are allowable. If the Examiner does not agree and raises new rejection(s) against claims 21 and 22 in the next Office Action, Applicants respectfully submit that the next Office Action must be made non-final because the Examiner failed to treat claims 21 and 22 on the merits in the outstanding Office Action. Nonetheless, it is still believed that claims 21 and 22 are allowable. Favorable consideration and allowance of claims 21 and 22 are respectfully requested.

#### Arguments

Independent claim 1 recites a combination of steps including “recording a received digital data stream by grouping the received digital data stream into stream object units, with each stream object unit having a predetermined length” and “creating and recording an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 6 recites a combination of steps including “recording an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 10 recites a combination of steps including “reading an index number of a first stream object unit of each stream object pointing to the start position of each stream object”.

Independent claim 15 recites a combination of elements including “recording means for recording a received digital data stream by grouping the received digital data stream into stream

object units and for creating and recording time information for each stream object unit for searching for the recorded stream object units, with each stream object unit having a predetermined length” and “control means for creating an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 18 recites a combination of elements including “control means...controlling said reading means to read an index number of a first stream object unit of each stream object pointing to the start position of each stream object”.

Independent claim 19 recites a combination of elements including “a data formatter to group a received digital data stream into stream object units and to create time information for each stream object unit for searching for the stream object units individually, wherein each stream object unit has a predetermined length” and “a controller to create an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 20 recites a combination of elements including “a controller to control said pickup to read an index number of a first stream object unit of each stream object read by said pickup pointing to the start position of each stream object”.

Applicants respectfully submit that the combinations of steps set forth in independent claims 1, 6 and 10 and the combinations of elements set forth in independent claims 15 and 18-20 are not disclosed or suggested by the references relied on by the Examiner.

The Examiner in the “Response to Arguments” of the outstanding Office Action alleged that Saeki in claim 14 discloses an index number of a first stream object unit of each stream

object for pointing to the start position of each stream object as recited in claims 1, 6, 10, 15 and 18-20. Applicants respectfully disagree. In fact, Saeki in claim 14 discloses

A recording apparatus as claimed in claim 13, wherein said controller is operable to generate a plurality of time offsets, each associated with a corresponding video object and indicating a difference between a first reproduction point during a reproduction of the corresponding video object and a start time of a first video object unit in the corresponding video object.

In other word, Saeki simply discloses time offsets indicating a *difference between a first reproduction point* during a reproduction of the corresponding video object *and a start time of a first video object unit* in the corresponding video object. Saeki merely discloses the *time difference* between the first reproduction point and the start time of a first video object unit in the corresponding video object, but fails to teach that the time difference *points to the start position of each stream object* as recited in claims 1, 6, 10, 15 and 18-20.

In addition, the stream object unit of the claimed invention has a predetermined length as recited in claims 1, 15 and 19. Unlike the claimed invention, Saeki in FIG. 10 and col.10 lines 12-21 discloses that the video object unit includes AV data corresponding to about 0.5 seconds of reproduction. This means that the video object has a variable size. Therefore, Saeki needs information using the relationship between the storage positions and the times of the VOBUs in the VOB information (the time map information) to convert the start time and end time of the cells in the PGC information to the start address and the end address (see also Step 284 of FIG. 26; col. 19, lines 30-33). Unlike Saeki's complicated conversion or mapping from the times to the addresses, the present invention *simply uses an index number* of a first stream object unit of each stream object to obtain the start position of the stream object. This feature is clearly absent from Saeki.

With regard to the Examiner's reliance on Moriyama, this reference has only been relied on for its teachings related to the time elapse information. This reference also fails to disclose the above combinations of steps and elements as set forth in independent claims 1, 6, 10, 15 and 18-20. Accordingly, this reference fails to cure the deficiencies of Saeki.

Accordingly, neither of these references individually or in combination teaches or suggests at least the above features of independent claims 1, 6, 10, 15 and 18-20. Therefore, Applicants respectfully submit that independent claims 1, 6, 10, 15 and 18-20 and their dependent claims (at least due to their dependency) clearly define over the teachings of the utilized references. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

#### **Additional Claims**

Additional claims 23-29 have been added for the Examiner's consideration. Support for new claims 23-29 can be found in FIGs. 4 and 5 as originally filed.

Applicants respectfully submit that claims 23-29 are allowable due to their respective dependence on independent claims 1, 6, 10, 15 and 18-20, as well as due to the additional recitations included in these claims.

Favorable consideration and allowance of additional claims 23-29 are respectfully requested.

**CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

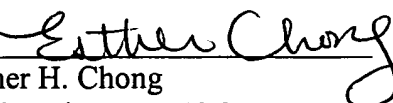
In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application and the required fee is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 19, 2006

Respectfully submitted,

By   
Esther H. Chong  
Registration No.: 40,953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant